

AMENDED IN ASSEMBLY APRIL 10, 2012

AMENDED IN ASSEMBLY MARCH 7, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1790

Introduced by Assembly Member Hagman

February 21, 2012

An act to add ~~Sections 60054 and~~ *Section 60063* to the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1790, as amended, Hagman. Instructional materials: digital format.

Existing law authorizes the State Board of Education and the governing board of each school district maintaining one or more high schools to adopt instructional materials for use in kindergarten and grades 1 to 8, inclusive, and high schools, respectively. Existing law places specified requirements on a publisher or manufacturer of instructional materials offered for adoption. *Existing law, until July 1, 2015, exempts school districts from requirements to provide pupils with instructional materials by a specified time period following adoption of those materials by the state board.*

This bill would require a publisher or manufacturer submitting an instructional material for adoption by the state board or the governing board of a school district to ensure that the instructional material is available in both print and digital formats *during the entire term of the adoption*. The bill would not authorize the use of instructional materials that would constitute an infringement of copyright under specified federal law. The bill would ~~require the governing board of a school~~

~~district to provide a pupil with that digital copy of an adopted instructional material if the pupil owns a compatible electronic reader device and requests to use the digital copy, thereby imposing a state-mandated local program. The bill would state the intent of the Legislature that providing a pupil with that digital copy constitutes furnishing a pupil with a textbook in compliance with specified law~~
apply these provisions only to adoptions that occur after the exemption time period described above.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*.
 State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 60054 is added to the Education Code,~~
 2 ~~to read:~~

3 ~~60054. (a) The governing board of a school district shall~~
 4 ~~provide a pupil with a digital copy, provided pursuant to Section~~
 5 ~~60063, of an adopted instructional material if the pupil owns a~~
 6 ~~compatible electronic reader device and requests to use the digital~~
 7 ~~copy of the instructional material.~~

8 ~~(b) It is the intent of the Legislature that providing a pupil with~~
 9 ~~a digital copy of an instructional material pursuant to subdivision~~
 10 ~~(a) constitutes furnishing a pupil with a textbook in compliance~~
 11 ~~with Section 7.5 of Article IX of the California Constitution.~~

12 ~~SEC. 2.~~

13 ~~SECTION 1. Section 60063 is added to the Education Code,~~
 14 ~~to read:~~

15 ~~60063. (a) A publisher or manufacturer submitting an~~
 16 ~~instructional material for adoption by the state board pursuant to~~
 17 ~~Section 60200 or the governing board of a school district pursuant~~
 18 ~~to Sections 60200 and Section 60400 shall ensure that the~~
 19 ~~instructional material is available in both print and digital formats~~
 20 ~~during the entire term of the adoption.~~

1 (b) This section does not authorize the use of instructional
2 materials that would constitute an infringement of copyright under
3 the federal Copyright Revision Act of 1976, as amended (17 U.S.C.
4 Sec. 101 et seq.).

5 (c) *This section shall apply only to instructional material*
6 *adoptions that occur after the inoperative date established in*
7 *Section 60049.*

8 ~~SEC. 3. If the Commission on State Mandates determines that~~
9 ~~this act contains costs mandated by the state, reimbursement to~~
10 ~~local agencies and school districts for those costs shall be made~~
11 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
12 ~~4 of Title 2 of the Government Code.~~